

Jason P. Kathman
State Bar No. 24070036
Megan F. Clontz
State Bar No. 24069703
Spencer Fane LLP
5700 Granite Parkway, Suite 650
Plano, TX 75024
(972) 324-0300 – Telephone
(972) 324-0301 – Facsimile
Email: jkathman@spencerfane.com
Email: mclontz@spencerfane.com

**PROPOSED COUNSEL FOR
DEBTORS AND DEBTORS-IN-POSSESSION**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Case No. 24-30017-sgj
1 NONLY PHIMAR LLC, et al.¹	§	
	§	Chapter 11
Debtors.	§	(Jointly Administered)

**MOTION FOR AN ORDER EXTENDING TIME FOR DEBTORS
TO FILE SCHEDULES AND STATEMENTS OF FINANCIAL AFFAIRS**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

1 Nonly PhiMar LLC (“**1NOnly Phimar**”) and PhiMars Square, LLC (“**PhiMars Square**”) (collectively with 1NOnly Phimar, the “**Debtors**”), debtors and debtors-in-possession in the above referenced bankruptcy case, pursuant to Federal Rule of Bankruptcy Procedure (the “**Bankruptcy Rules**”) 1007(a)(5) of the Federal Rules of Bankruptcy Procedure of the United States Bankruptcy Court for the Northern District of Texas (the “**Local Bankruptcy Rules**”), this *Motion for an Order Extending Time for Debtors to File Schedules and Statements of Financial Affairs* (the “**Motion**”). In support of the Motion, Debtors respectfully shows the Court as follows:

¹ The Debtors in these chapter 11 cases are 1 Nonly PhiMar, LLC (the last four digits of its federal tax identification number are 4226) and PhiMars Square, LLC (the last four digits of its federal tax identification number are 3404).

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334(b). This is a core proceeding pursuant to 28 U.S.C. § 157. This Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The basis for relief requested herein are Bankruptcy Rule 1007(a)(5) and Local Bankruptcy Rule 1007(b).

II. BACKGROUND

3. On January 1, 2024 (the “**Petition Date**”), the Debtors filed voluntary petitions for bankruptcy under chapter 11 of the Bankruptcy Code initiating this bankruptcy case (the “**Chapter 11 Case**”). The Debtors continue to operate as debtors-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code. No trustee, examiner, or official committee of unsecured creditors has been appointed.

4. Debtors’ schedules and statements of financial affairs (collectively, the “**Schedules**”) are due to be filed with the Court on January 16, 2024.

5. The Meetings of Creditors Pursuant to 11 U.S.C. § 341 are not yet scheduled.

III. APPLICABLE AUTHORITY

6. Bankruptcy Rule 1007 states that the Court may extend the time allowed for a debtor to file the schedules and statement of financial affairs upon request of the debtor for cause and with notice to parties including the U.S. Trustee. Fed. R. Bankr. Proc. 1007.

7. Likewise, Bankruptcy Rule 9006(b)(1) provides that, “when an act is required or allowed to be done at or within a specified period by these rules or by notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without

motion or notice order the period enlarged if the request therefor is made by the expiration of the period original prescribed....” Fed. R. Bank. P. 9006.

8. Debtors respectfully request additional time, up to and including January 30, 2024, to file their Schedules and Statements of Financial Affairs, and as allowed by Bankruptcy Rule 1007. The Debtors require this additional time to ensure that their schedules and statement are accurately prepared.

IV. NOTICE

9. Notice of this Motion has been provided to creditors listed on the Creditor Matrix, parties who have filed a notice of appearance, the United States Trustee, and the Subchapter V Trustee.

V. RELIEF REQUESTED

WHEREFORE, Debtors respectfully request an extension, up to and including January 30, 2024, to file their Schedules and Statement of Affairs as required by Bankruptcy Rule 1007, and for such other and further relief as the Court deems just and equitable.

Dated: January 10, 2024

Respectfully submitted,

/s/ Megan F. Clontz

Jason P. Kathman

State Bar No. 24070036

Megan F. Clontz

State Bar No. 24069703

Spencer Fane LLP

5700 Granite Parkway, Suite 650

Plano, TX 75024

(972) 324-0300 – Telephone

(972) 324-0301 – Facsimile

Email: jkathman@spencerfane.com

Email: mclontz@spencerfane.com

**PROPOSED COUNSEL FOR DEBTOR
AND DEBTOR-IN-POSSESSION**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on January 10, 2024, I caused to be served the foregoing pleading upon the parties on the attached Master Service List via electronic mail and/or United States mail, first class delivery, and also via the Court's electronic transmission facilities upon all parties accepting such service.

/s/ Megan F. Clontz
Megan F. Clontz